

U.S. District Court

United States District Court for the Western District of Washington (Tacoma)
CIVIL DOCKET FOR CASE #: 3:21-cv-05177-BHS-TLF

Dodd et al v. Textron Inc et al
Assigned to: Judge Benjamin H. Settle
Referred to: Judge Theresa L Fricke
Cause: 28:1332 Diversity-Product Liability

Date Filed: 03/12/2021
Jury Demand: None
Nature of Suit: 365 Personal Inj. Prod. Liability
Jurisdiction: Diversity

Plaintiff

David Dodd

represented by **Patrick R West**
WEST LAW FIRM
524 TACOMA AVENUE SOUTH
TACOMA, WA 98402
253-383-4704
Email: patrick@westlawtacoma.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Paula Dodd

represented by **Patrick R West**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Textron Inc
a foreign corporation

represented by **Joanne Thomas Blackburn**
GILLASPY & RHODE PLLC
821 KIRKLAND AVENUE, STE 200
KIRKLAND, WA 98033
425-646-2956
Email: jblackburn@gillaspyrhode.com
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Natalia Smirnova
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821 KIRKLAND AVENUE, STE 200
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ATTORNEY TO BE NOTICED

Defendant

Textron Specialized Vehicles Inc
a foreign corporation

represented by **Joanne Thomas Blackburn**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Natalia Smirnova

(See above for address)

ATTORNEY TO BE NOTICED

Defendant**XYZ Co**

*a foreign corporation, limited liability
company, limited liability partnership,
partnership or sole proprietorship*

Date Filed	#	Docket Text
03/12/2021	<u>1</u>	COMPLAINT against All Defendants (Receipt # AWAADC-6997018) Attorney Patrick R West added to party Paula Dodd(pty:pla), filed by Paula Dodd.(West, Patrick) (Entered: 03/12/2021)
03/12/2021	<u>2</u>	PRAECIPE TO ISSUE SUMMONS by Plaintiffs David Dodd, Paula Dodd (Attachments: # <u>1</u> Summons, # <u>2</u> Civil Cover Sheet)(West, Patrick) (Entered: 03/12/2021)
03/12/2021	<u>1</u>	Judge David W. Christel added. (AMD) (Entered: 03/12/2021)
03/12/2021	<u>3</u>	Summons(es) Electronically Issued as to defendant(s) Textron Inc, Textron Specialized Vehicles Inc. (Attachments: # <u>1</u> Summons)(AMD) (Entered: 03/12/2021)
04/08/2021	<u>4</u>	NOTICE of Appearance by attorney Joanne Thomas Blackburn on behalf of Defendants Textron Inc, Textron Specialized Vehicles Inc. (Blackburn, Joanne) (Entered: 04/08/2021)
04/09/2021	<u>1</u>	NOTICE Pursuant to Fed.R.Civ.P 7.1, Defendants Textron Inc, Textron Specialized Vehicles Inc must file Corporate Disclosure Statements by 4/16/2021. (AMD) (Entered: 04/09/2021)
04/12/2021	<u>5</u>	NOTICE OF ASSIGNMENT TO A US MAGISTRATE JUDGE AND DECLINATION OF CONSENT FORM. Each party will be deemed to have knowingly and voluntarily consented to proceed before a Magistrate Judge if this form is not returned by 4/19/2021. Please Note: Forms must <u>not</u> be electronically filed with the Court. (KEB) (Entered: 04/12/2021)
04/12/2021	<u>6</u>	MINUTE ORDER REASSIGNING CASE. Case reassigned to Judge Benjamin H. Settle and referred to Magistrate Judge David W. Christel for all further proceedings, by Clerk, William M McCool. (KEB) (Entered: 04/12/2021)
04/13/2021	<u>7</u>	CORPORATE DISCLOSURE STATEMENT indicating no Corporate Parents and/or Affiliates Textron Inc, T. Rowe Price Associates Inc, and The Vanguard Group Inc. Filed pursuant to Fed.R.Civ.P 7.1. Filed by Textron Inc, Textron Specialized Vehicles Inc (Blackburn, Joanne) Modified on 4/14/2021 (GMR). (Entered: 04/13/2021)
04/13/2021	<u>8</u>	MOTION to Dismiss , filed by Defendants Textron Inc, Textron Specialized Vehicles Inc. (Attachments: # <u>1</u> Declaration iso Motion, # <u>2</u> Declaration iso Motion, # <u>3</u> Proposed Order) Noting Date 5/7/2021, (Blackburn, Joanne) (Entered: 04/13/2021)
04/14/2021	<u>9</u>	MINUTE ORDER REASSIGNING CASE REFERRAL at direction of Judge David W. Christel. Case referral reassigned to Judge Theresa L Fricke as Judge David W. Christel has a conflict with Textron defendants' Corporate Parents/Other Affiliates. NOTE: Judge Benjamin H Settle remains the presiding officer in this matter. (GMR) (Entered: 04/14/2021)
04/30/2021	<u>10</u>	RESPONSE, by Plaintiffs David Dodd, Paula Dodd, to <u>8</u> MOTION to Dismiss . (Attachments: # <u>1</u> Declaration of David Dodd, # <u>2</u> Declaration of PRW Patrick R West iso Response)(West, Patrick)

		Modified on 5/3/2021. (AMD) (Entered: 04/30/2021)
05/04/2021	<u>11</u>	DECLARATION of David Dodd filed by Plaintiffs David Dodd, Paula Dodd re <u>8</u> MOTION to Dismiss (West, Patrick) (Entered: 05/04/2021)
05/04/2021	<u>12</u>	DECLARATION of Patrick R. West filed by Plaintiffs David Dodd, Paula Dodd re <u>8</u> MOTION to Dismiss (West, Patrick) (Entered: 05/04/2021)
05/04/2021	<u>13</u>	NOTICE of Association of Attorney by Natalia Smirnova on behalf of Defendants Textron Inc, Textron Specialized Vehicles Inc. (Smirnova, Natalia) (Entered: 05/04/2021)
05/06/2021	<u>14</u>	ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT. Joint Status Report due by 6/17/2021, FRCP 26(f) Conference Deadline is 5/27/2021, Initial Disclosure Deadline is 6/10/2021, by Judge Theresa L Fricke. (TW) (Entered: 05/06/2021)
05/06/2021	<u>15</u>	ORDER REGARDING DISCOVERY AND DEPOSITIONS by Judge Theresa L Fricke. (TW) (Entered: 05/06/2021)
05/06/2021	<u>1</u>	Joint Status Report Deadline NOTED on motion calendar; Noting Date 6/17/2021, (TW) (Entered: 05/06/2021)
05/07/2021	<u>16</u>	REPLY, filed by Defendants Textron Inc, Textron Specialized Vehicles Inc, TO RESPONSE to <u>8</u> MOTION to Dismiss (Attachments: # <u>1</u> Proposed Order)(Smirnova, Natalia) (Entered: 05/07/2021)
06/10/2021	<u>17</u>	MINUTE ORDER At the direction of Magistrate Judge Theresa L. Fricke, the following minute order is entered: Pursuant to the joint request from the parties, the FRCP 26(f) Conference Deadline is extended to 6/25/2021, Initial Disclosure Deadline is 7/9/2021 and the Joint Status Report is due by 7/16/2021. By Traci Whiteley, Deputy Clerk.(TW) (Entered: 06/10/2021)
06/10/2021	<u>1</u>	Joint Status Report Deadline NOTED on motion calendar; Noting Date 7/16/2021, (TW) (Entered: 06/10/2021)
06/11/2021	<u>18</u>	Joint Stipulated MOTION and Order regarding Exchange of Initial Disclosures and Submission of 26(f) Report, filed by Defendants Textron Inc, Textron Specialized Vehicles Inc. (Blackburn, Joanne) (Entered: 06/11/2021)
06/14/2021	<u>1</u>	Noting Date Set for 6/11/2021 re <u>18</u> Joint Stipulated MOTION and Order regarding Exchange of Initial Disclosures and Submission of 26(f) Report. (GMR) (Entered: 06/14/2021)
07/14/2021	<u>19</u>	JOINT STATUS REPORT signed by all parties. Estimated Trial Days: 8. Filed by Defendants Textron Inc, Textron Specialized Vehicles Inc.(Blackburn, Joanne) (Entered: 07/14/2021)
07/30/2021	<u>20</u>	NOTICE of Unavailability of counsel Patrick R West for Plaintiffs David Dodd, Paula Dodd from 09/03/21–09/10/21. (West, Patrick) (Entered: 07/30/2021)
10/14/2021	<u>21</u>	ORDER SETTING PRETRIAL SCHEDULE; signed by Judge Theresa L Fricke. Deadline to Join Additional Parties – November 30, 2021. Deadline to Amend Pleadings – November 30, 2021. Disclosure of Plaintiff's Expert Witnesses Reports – January 14, 2022. Disclosure of Defendants Expert Witnesses Reports – February 11, 2022. Disclosure of Rebuttal Expert Witnesses' Reports – March 11, 2022. All motions related to discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to LCR 7(d) and LCR 37(a)(2) – Noting date: April 1, 2022. Discovery completed by – April 8, 2022. Last Date to File and Serve Dispositive Motions – June 3, 2022. (SP) (Entered: 10/14/2021)
10/22/2021	<u>22</u>	REPORT AND RECOMMENDATION by Judge Theresa L Fricke, re <u>8</u> MOTION to Dismiss filed by Textron Specialized Vehicles Inc, Textron Inc. The parties have fourteen (14) days from service of this Report and Recommendation to file written objections. This matter is set for consideration

		on 11/5/2021. (Attachments: # <u>1</u> Proposed Order)(AMD) (Entered: 10/22/2021)
11/02/2021	<u>I</u>	***Motion terminated as moot re <u>18</u> Joint Stipulated MOTION <i>and Order regarding Exchange of Initial Disclosures and Submission of 26(f) Report</i> per 6/10/2021 17 Minute Order. (GMR) (Entered: 11/02/2021)
11/05/2021	<u>I</u> <u>23</u>	OBJECTIONS by Defendants Textron Inc, Textron Specialized Vehicles Inc to <u>22</u> Report and Recommendations,. Noting Date 11/26/2021 11/5/2021 . (Blackburn, Joanne) Modified on 11/8/2021 (AMD). (Entered: 11/05/2021)
11/05/2021	<u>I</u> <u>24</u>	DECLARATION of Joanne T. Blackburn filed by Defendants Textron Inc, Textron Specialized Vehicles Inc re <u>23</u> OBJECTIONS by Defendants Textron Inc, Textron Specialized Vehicles Inc to <u>22</u> Report and Recommendations,. (Blackburn, Joanne) (Entered: 11/05/2021)
11/08/2021	<u>I</u>	Noting Date Reset by Clerk to 11/26/2021 re <u>23</u> OBJECTIONS by Defendants Textron Inc, Textron Specialized Vehicles Inc. ***Motion terminated: <u>22</u> REPORT AND RECOMMENDATION re <u>8</u> MOTION to Dismiss. (AMD) (Entered: 11/08/2021)
11/22/2021	<u>I</u> <u>25</u>	RESPONSE to <u>23</u> OBJECTIONS by Defendants Textron Inc, Textron Specialized Vehicles Inc to <u>22</u> Report and Recommendations,. filed by Plaintiff Paula Dodd (West, Patrick) (Entered: 11/22/2021)
01/25/2022	<u>I</u> <u>26</u>	NOTICE of Supplemental Authority re <u>23</u> OBJECTIONS by Defendants Textron Inc, Textron Specialized Vehicles Inc to <u>22</u> Report and Recommendations,. by Defendants Textron Inc, Textron Specialized Vehicles Inc (Blackburn, Joanne) (Entered: 01/25/2022)
02/09/2022	<u>I</u> <u>27</u>	ORDER ADOPTING IN PART AND REJECTING IN PART <u>22</u> REPORT AND RECOMMENDATION by Judge Benjamin H. Settle. It is ORDERED that the R&R is ADOPTED as to TSV and REJECTED as to Textron. It is hereby ORDERED that Textron and TSVs Motion to Dismiss, Dkt. <u>8</u> , is GRANTED in part as to Textron and DENIED in part as to TSV. It is hereby further ORDERED that the request to transfer venue is GRANTED. Transfer of this case to the Eastern District of Washington by electronic case transfer will occur on the 15th day following the date of this filing. Case will be transferred on 2/24/2022. (AMD) (Entered: 02/09/2022)
02/23/2022	<u>I</u> <u>28</u>	MOTION for Extension of Time to File Answer <i>or Otherwise Plead</i> , filed by Defendant Textron Specialized Vehicles Inc. (Attachments: # <u>1</u> Proposed Order) Noting Date 3/4/2022, (Blackburn, Joanne) (Entered: 02/23/2022)
02/23/2022	<u>I</u> <u>29</u>	DECLARATION of Joanne T. Blackburn in Support of Defendant Textron Specialized Vehicles, Inc.s Motion for Extension of Time to Answer or Otherwise Plead filed by Defendant Textron Specialized Vehicles Inc re <u>28</u> MOTION for Extension of Time to File Answer <i>or Otherwise Plead</i> (Blackburn, Joanne) (Entered: 02/23/2022)